

CAMBODIA DEMOCRACY ACT OF 2021

Ms. WILD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4686) to promote free and fair elections, political freedoms, and human rights in Cambodia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cambodia Democracy Act of 2021”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Prime Minister Hun Sen has been in power in Cambodia since 1985 and is the longest-serving leader in Southeast Asia. Despite decades of international attention and assistance to promote a pluralistic, multi-party democratic system in Cambodia, the Government of Cambodia continues to be undemocratically dominated by the ruling Cambodia People’s Party (CPP), which controls every agency and security apparatus of the state.

(2) The Government of Cambodia has taken several measures, particularly since 2017 and during the COVID-19 pandemic, to restrict Cambodia’s space for civil society and media environment, especially through politicized tax investigations against independent media outlets.

(3) On September 3, 2017, Kem Sokha, the President of the Cambodia National Rescue Party (CNRP), was arrested on politically motivated charges and faces up to 30 years in prison. On November 16, 2017, Cambodia’s Supreme Court dissolved the CNRP, eliminating the primary opposition party. While Kem Sokha is no longer in prison, his movements are restricted, he is prohibited from engaging in political activity, and his charges remain pending. The CNRP’s previous leader, Sam Rainsy, remains in unofficial exile, and has been prevented from returning to the country.

(4) Since the CNRP’s dissolution, the Government of Cambodia has arrested, imprisoned, or brought politically motivated charges against CNRP leaders and activists. Starting in November 2020, the Government of Cambodia has held a series of mass trials for over 100 individuals affiliated with the CNRP.

(5) Since 1991, the elections that have taken place in Cambodia were conducted in circumstances that were not free, fair, and credible or were marked by fraud, intimidation, violence, and the government’s misuse of legal mechanisms to weaken opposition candidates and parties.

(6) The United States is committed to promoting democracy, human rights, and the rule of law in Cambodia. The United States continues to urge the Government of Cambodia to immediately drop charges against Kem Sokha, reinstate the political status of the CNRP and restore its elected seats in the National Assembly, and support electoral reform efforts in Cambodia with free, fair, and credible elections monitored by international observers.

SEC. 3. SANCTIONS RELATING TO UNDERMINING DEMOCRACY IN CAMBODIA.

(a) DESIGNATION OF PERSONS RESPONSIBLE FOR UNDERMINING DEMOCRACY IN CAMBODIA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall designate and transmit to the appropriate congressional committees a list of—

(A) each senior official of the government, military, or security forces of Cambodia who the President determines has directly and substantially undermined democracy in Cambodia;

(B) each senior official of the government, military, or security forces of Cambodia who the President determines has committed or directed serious human rights violations associated with undermining democracy in Cambodia; and

(C) entities owned or controlled by senior officials of the government, military, or security forces of Cambodia described in subparagraphs (A) and (B).

(2) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (b) on each foreign person designated pursuant to paragraph (1).

(3) UPDATES.—The President shall transmit to the appropriate congressional committees updated lists under paragraph (1) as new information becomes available.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person designated under subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INADMISSIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—A foreign person designated under subsection (a) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—A foreign person designated under subsection (a) is subject to the following:

(i) IN GENERAL.—The foreign person is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the foreign person’s possession.

(C) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under this paragraph shall not apply with respect to a foreign person if admitting or paroling the person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a foreign person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(c) IMPLEMENTATION.—The President may exercise all authorities provided under sec-

tions 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(d) WAIVER.—The President may waive the application of sanctions described in subsection (b) with respect to a person designated under subsection (a) if the President determines and certifies to the appropriate congressional committees that such waiver is in the national interest of the United States.

(e) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this Act shall not include the authority or requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. 4. SUSPENSION OF SANCTIONS.

(a) SUSPENSION.—The sanctions described in section 3 may be suspended for up to 1-year upon certification by the President to the appropriate congressional committees that Cambodia is making meaningful progress toward the following:

(1) Ending government efforts to undermine democracy.

(2) Ending human rights violations associated with undermining democracy.

(3) Conducting free and fair elections which allow for the active participation of credible opposition candidates.

(b) RENEWAL OF SUSPENSION.—The suspension described in subsection (a) may be renewed for additional, consecutive-day periods if the President certifies to the appropriate congressional committees that Cambodia is continuing to make meaningful progress towards satisfying the conditions described in such subsection during the previous year.

SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 6. SUNSET.

This Act shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 7. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives, and the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) PERSON.—

(A) IN GENERAL.—The term “person” means—

(i) a natural person; or

(ii) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise or any successor to any entity described in this clause.

(B) APPLICATION TO GOVERNMENTAL ENTITIES.—The term “person” does not include a

government or governmental entity that is not operating as a business enterprise.

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction of the United States, including a foreign branch of such an entity.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. WILD) and the gentlewoman from California (Mrs. KIM) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

GENERAL LEAVE

Ms. WILD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4686, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

Ms. WILD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 4686, Cambodia Democracy Act of 2021, introduced by Representative STEVE CHABOT, ranking member of the Foreign Affairs Subcommittee on Asia, the Pacific, Central Asia, and Nonproliferation.

The situation in Cambodia has been alarming for several years now. We have witnessed the widespread suppression of democracy and human rights in the country, as the Cambodian Government places severe limits on fundamental freedoms of the press, speech, and association.

In 2017 the president of the opposition party, the Cambodian National Rescue Party, CNRP, Kem Sokha, was arrested and indefinitely imprisoned on spurious and politically-motivated charges. Kem's arrest was followed by a government decision to dissolve the opposition party on fictitious claims that it was colluding with the United States Government to overthrow the Cambodian Government. The unprecedented move crippled the only viable opposition ahead of nationwide elections.

The ruling Cambodian People's Party, under the leadership of Hun Sen, continues to erode Cambodia's democracy by ordering the arrest and harassment of hundreds of CNRP leaders, civil society leaders, prodemocracy activists, and government critics.

We must demonstrate our support to the Cambodian people as they fight against the growing authoritarianism in their country and struggle for the restoration of democracy and respect for human rights.

With the passage of this legislation, the House sends a strong, bipartisan message raising the costs on Cambodian officials who continue to suppress freedoms and undermine democracy of Cambodia.

Congress must take concrete steps to hold the Cambodian Government accountable for its backsliding of democracy and human rights and steer the country back on the path towards free and fair elections.

This is an important measure. I support it, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 27, 2021.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN NADLER: I am writing to you concerning H.R. 4686, the Cambodia Democracy Act. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on the Judiciary under House Rule X, and that your Committee will forgo action on H.R. 4686 to expedite floor consideration. I further acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your jurisdiction. I also acknowledge that your Committee will be appropriately consulted and involved as this or similar legislation moves forward, and will support the appointment of Committee on the Judiciary conferees during any House-Senate conference convened on this legislation.

Lastly, I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,

GREGORY W. MEEKS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 27, 2021.

Hon. JOHN YARMUTH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR CHAIRMAN YARMUTH: I am writing to you concerning H.R. 4686, the Cambodia Democracy Act. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on Budget under House Rule X, and that your Committee will forgo action on H.R. 4686 to expedite floor consideration. I further acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your jurisdiction. I also acknowledge that your Committee will be appropriately consulted and involved as this or similar legislation moves forward, and will support the appointment of Committee on the Budget conferees during any House-Senate conference convened on this legislation.

Lastly, I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,

GREGORY W. MEEKS,
Chairman.

Mrs. KIM of California. Madam Speaker, I yield myself such time as I

may consume, and I rise today in strong support of the Cambodia Democracy Act, which was introduced by the gentleman from Ohio (Mr. CHABOT).

As a cosponsor and as an advocate for the Cambodian community in southern California, I am especially proud to speak on this measure today.

The people of Cambodia have been living under the iron-fisted rule of Hun Sen for decades. Under his reign, he has denied Cambodians almost all of their political rights and prevented free and fair elections from taking place. In recent years, Hun Sen has resorted to violence and attacked peaceful protesters. He has undermined Cambodia's democracy by dismantling the country's only viable opposition party.

The work of NGOs has also been limited, and critical media outlets have been shut down. Like many other dictators, he fears the day when he will no longer be in power.

As the beacon of hope and freedom to the rest of the world, a key pillar of our foreign policy must be to support the expansion of democracy in other countries.

The Cambodia Democracy Act will help push back on Hun Sen's regime by applying asset blocking and visa sanctions on any government officials or security forces who have undermined the democratic process or committed human rights abuses.

The strong bipartisan bill has passed the House in successive Congresses and is a touchstone of congressional support for the people of Cambodia and their desire to democratic governance.

Members of both parties have long supported this important piece of legislation, and I urge my colleagues to continue that support.

Madam Speaker, I reserve the balance of my time.

Ms. WILD. Madam Speaker, I continue to reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), who is the ranking member of the Foreign Affairs Subcommittee on Asia, the Pacific, Central Asia, and Nonproliferation, and the author of this bill.

Mr. CHABOT. Madam Speaker, I want to thank the gentlewoman from California for her unyielding commitment to freedom and democracy across the globe. She has been a tremendous addition to this House of Representatives.

I rise today in support of H.R. 4686, the Cambodia Democracy Act. This is bipartisan legislation that I introduced, along with my Democratic colleague, ALAN LOWENTHAL. He and I are co-chairs of the Cambodia Caucus, and we were pleased to champion this legislation. I want to note that our colleague, Ted Yoho, from Florida originally introduced this a few years back, but of course he has since retired from this great institution.

This legislation is a response to Prime Minister Hun Sen's ongoing

crackdown on his political opponents, which began in the runup to the Cambodian elections back in 2018. He arrested Kem Sokha, the leader of the Cambodia National Rescue Party, on bogus charges, and then proceeded to ban the whole party, and then persecute other leaders of that party. Hun Sen also shut down NGOs and independent media, including the National Democratic Institute and Radio Free Asia.

Unfortunately, four years later this crackdown hasn't let up. Hun Sen has kept the bogus charges hanging over Kem Sokha's head and prohibited him from participating in any political activity. He has also continued to target opposition politicians as well as civil society activists and journalists. In fact, starting last November, mass trials were held against opposition party members.

As a result, next year's commune elections will not have viable opposition party representation, which means that once again Cambodia's elections will be neither free nor fair.

Sadly, this latest crackdown is nothing new. Hun Sen has ruled Cambodia since 1985, 36 years, making him the longest-serving head of state in Southeast Asia.

To date, Hun Sen hasn't really faced any stiff consequences for this behavior from the United States, and that is embarrassing. That is why the Cambodia Democracy Act imposes sanctions on those who participated in Hun Sen's illegal, arbitrary attempt to smother democracy.

By targeting those directly responsible and holding them accountable, it is our hope that we can get Hun Sen and his cronies to realize that the only path forward for that country is to allow free and fair elections. We must not forget that the principal victims of Hun Sen's repression are the Cambodian people themselves.

Next month we celebrate the 30th anniversary of the Paris Peace Accords, which clearly promises them democracy. So I would urge all my colleagues to help make good on the pledge made in the Paris Accords a long time ago by joining me to support this legislation and help put Cambodia back on the path to democracy.

I once again want to thank the gentlewoman from California (Mrs. KIM) for her leadership in this effort.

Ms. WILD. Madam Speaker, I have no speakers, and I continue to reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, in closing, I would like to thank Congressman CHABOT for introducing this bill and for all of his work on behalf of the Cambodian people.

I would also like to thank Congressman BERA for supporting this bill as the lead Democrat sponsor.

Helping restore Cambodia's democracy is in line with the American values that we all share. It is also a good national security strategy, as holding Hun Sen's regime accountable will

pressure him to stop serving as a willing puppet of the Chinese Communist Party.

Madam Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

Ms. WILD. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

For many years now, Cambodians have struggled under an increasingly authoritarian and undemocratic regime. H.R. 4686, introduced by my colleague Representative STEVE CHABOT, would direct the President to impose sanctions on Cambodian officials who are responsible for acts that undermine democracy in Cambodia.

This bill sends a strong and unequivocal message that the United States stands firmly with the Cambodian people in their struggle for democracy and human rights. I urge my colleagues to support this legislation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. WILD) that the House suspend the rules and pass the bill, H.R. 4686, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIDSON. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

ELIMINATING A QUANTIFIABLY UNJUST APPLICATION OF THE LAW ACT OF 2021

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1693) to eliminate the disparity in sentencing for cocaine offenses, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 361, nays 66, not voting 4, as follows:

[Roll No. 297]

YEAS—361

Adams	Barragan	Bishop (NC)	Gonzalez, Tony	McNerney
Aguilar	Bass	Blumenauer	Gonzalez (OH)	Meeks
Alfred	Beatty	Blunt Rochester		Meijer
Amodei	Bentz	Bonamici		Meng
Armstrong	Bera	Bost		Meuser
Auchincloss	Bergman	Bourdeaux		Mfume
Axne	Beyer	Bowman		Miller (WV)
Bacon	Bice (OK)	Boyle, Brendan		Miller-Meeks
Balderson	Bilirakis	F.		Mooney
Barr	Bishop (GA)	Brady		Moore (AL)
				Moore (UT)
				Moore (WI)
				Morelle
				Moulton
				Mrvan
				Murphy (FL)
				Murphy (NC)
				Nadler
				Napolitano
				Neal
				Neguse
				Nehls
				Newhouse
				Newman
				Norcross
				Norman
				O'Halleran
				Ocasio-Cortez
				Omar
				Owens
				Pallone
				Panetta
				Pappas
				Pascarell
				Payne
				Perlmutter
				Peters
				Phillips
				Pingree
				Pocan
				Porter
				Pressley
				Price (NC)
				Quigley
				Raskin
				Reed
				Reschenthaler
				Rice (NY)
				Rice (SC)
				Rodgers (WA)
				Rogers (AL)
				Rogers (KY)
				Rose
				Ross
				Roybal-Allard
				Ruiz
				Ruppersberger
				Rush
				Ryan
				Salazar
				Sanchez
				Sarbanes
				Scanlon
				Schakowsky
				Schiff
				Schneider
				Schrader
				Schrier
				Schweikert
				Scott (VA)
				Scott, David
				Sewell
				Sherman
				Sherrill
				Simpson
				Sires
				Loudermilk
				Lowenthal
				Lucas
				Luria
				Lynch
				Mace
				Malinowski
				Malliotakis
				Maloney
				Carolyn B.
				Maloney, Sean
				Mann
				Manning
				Massie
				Matsui
				McBath
				McCarthy
				McCaul
				McClintock
				McCollum
				McEachin
				McGovern
				McHenry
				McKinley